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RUEHRG/AMCONSUL RECIFE
RUEHRI/AMCONSUL RIO DE JANEIRO
RUEHSG/AMEMBASSY SANTIAGO
RUEHSO/AMCONSUL SAO PAULO

UNCLAS SAO PAULO 000052

SIPDIS
STATE FOR DRL AND WHA/BSC

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SUBJECT: SAO PAULO OF HUMAN RIGHTS AND LABOR SWEEP-JANUARY 2010

¶1. (U) Summary: The following is the January edition of a monthly series summarizing human rights and labor developments in the Sao Paulo Consular District (i.e. the states of Sao Paulo, Parana, Santa Catarina, Rio Grande do Sul and Mato Grosso do Sul) not covered in broader reporting.

LANDOWNERS WIN INJUNCTION ON DEMARCATION OF INDIGENOUS LANDS

¶2. (U) Between December 22 and January 21, President of the Supreme Court Gilmar Mendes temporarily suspended the implementation of a December 2009 presidential decree to create nine indigenous reserves covering five million hectares of land in Amazonas, Para, Parana, Roraima and Mato Grosso do Sul. The decision is based on a case involving five ranches in the municipality of Paranhos, Mato Grosso do Sul(MS) State. The ranches are located on land traditionally belonging to the Arroio-Kor???? indigenous community and together they account for 94 percent of the approximately 7,100 hectares of traditional Arroio-Kor???? land in MS. In his decision, Mendes stated that the ranchers' arguments -- that their right to due process had been violated and that the titles for the ranches, which date from the 1920s, showed legal ownership of the land -- met the burden of proof to issue a temporary injunction. The ranchers claim that President Lula ignored the existence of judicial actions already underway when he issued the 2009 decree. In reality, they argue, demarcation is the responsibility of the Congress. Indigenous representatives say they will appeal the injunction as they consider the ranches part of their ancestral lands. It is unknown when a final decision on the case can be expected.

GOB AMNESTY LEGALIZES THOUSANDS OF BOLIVIANS IN SAO PAULO

¶3. (U) According to Brazil's latest amnesty law (June 2009), illegal immigrants who entered Brazil before February 1, 2009 had until December 30, 2009 to regularize their status by registering with the Federal Police. According to the GOB, a total of 41,816 people received amnesty under the new law. This was the third amnesty for illegal immigrants granted by the Brazilian government. The others took place in 1988 and 1998. The latest amnesty

affected various immigrant groups. The largest group of beneficiaries came from Bolivia, 17,000 legalized (16,300 of them coming from Sao Paulo state). They were followed by Chinese (5,500), Peruvians (4,600), Paraguayans (4,100) and Koreans (1,100). In addition, approximately 2,400 Europeans legalized their status. There were no reports of U.S. citizens requesting amnesty. Interim Minister of Justice Luis Paulo Barreto publicly presented the legalization as a human rights issue to rescue illegal immigrants from "a clandestine environment where they are susceptible to labor and sexual exploitation." The Brazilian Congress is now considering a new law concerning foreigners that would remove the need for periodic immigration amnesties.

FIRST AFRO-BRAZILIAN RELIGION MEETING IN RIO GRANDE DO SUL

14. (U) On January 26-29, Rio Grande do Sul State (RS) will host a conference entitled "The First National Meeting of African-Descended Traditions and Health." This will gather prominent Afro-Brazilian religious leaders who will discuss traditional medicine and discrimination-related issues. The event is sponsored by National Network of Afro-Religions and Health, the religious community Ile Ax??? Iyemoja Omi Olodo, the Congregation in the Defense of Afro-Brazilian Religions of RS, and the Catholic University of RS with the support of the Ministry of Health.

WATER PROJECT IN QUILOMBO COMMUNITIES

15. (U) The Sao Paulo State Land Institute Foundation (ITESP) recently began a project to improve access to water for four quilombo communities in the Valle do Ribeira region of the state: Andr??? Lopes (Eldorado), Nhunguara (Iporanga), Mandira (Canan????ia) and Morro Seco (Iguape). Valle do Ribeira has many formally recognized quilombo communities. The project costs approximately USD 108 million and the installation of seven water pumps will be finished in about two months benefitting 203 families. In total, Sao Paulo State formally recognizes 26 quilombo communities. ITESP provides each community with a state consultant, who offers training courses, manages infrastructure projects and serves as liaison between the communities and other state agencies to ensure and protect community rights.

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